S.B.CRIMINAL MISC. BAIL APPLICATION NO.138/2007

Date : 09.01.2007

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. M.K. Garg for the applicant.
Mr. V.R. Mehta, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that it is a case of consent.

The allegation against the accused applicant is under Section 376 IPC. The age of the prosecutrix as per medical evidence is between 15 to 17 years.

Without expressing any opinion on the merit of the case while taking into consideration the overall facts and circumstances of the present case, I do not feel inclined to extend benefit of bail to the applicant. Accordingly, the bail application moved by the applicant under Section 439 Cr.P.C. stands rejected.

(SATYA PRAKASH PATHAK), J.

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